

REMARKS

The Office Action dated August 20, 2009, has been received and carefully noted. Claims 4-19 are pending in this application, and claim 20 is withdrawn. By this Amendment, claim 4 is amended. Support for the amendment to claim 4 can be found in the Drawings at, for example, Fig. 4(e). No new matter has been added. Reconsideration of the application is respectfully requested.

The Office Action rejects claims 4-19 under 35 U.S.C. §102(b) as being anticipated by Roder et al (U.S. Patent No. 3,500,702). The rejection is respectfully traversed.

The current application claims an accelerator pedal that includes a stopper member, a pad member, a stopper fitting section on the pad member and including nails fitted into the stopper member and supporting plates connecting the pad member and the nails, nail catch sections provided in the stopper member and against which the nails are hooked, a hinge section provided connecting the pad member and the stopper fitting section, wherein the nails are hooked against the nail catch sections, and a backup plate is provided against which the supporting plates abut, the backup plate abutting a back side of each one of the nails, as recited in amended claim 4.

The Office Action associates Roder's elements 21 and 21' to the claimed nails, the connecting part 16 to the claimed stopper member, the engagement surface 23 to the claimed nail catch sections, the thin web 11 to the claimed hinge section, the shaped part 15 to the claimed backup plate, and the connecting part 13 to the claimed stopper fitting section (Office Action, page 3, lines 3-15). The Office Action takes the position that elements 21 and 21' correspond to the claimed nails because they abut

against the abutment surface 20 (Office Action, page 3, line 19 – page 4, line 2).

Applicants assert that the shaped part 15, associated in the Office Action to the claimed backup plate, abuts against the abutment edge 21', but does not abut against the elastic abutment surface 21, which the Office Action associates to one of the nails. Thus, the shaped part 15 is not abutting against a back side of each nail and cannot prevent the two outside plates 14 from being bent in a direction of disengagement of elements 21 and 21'. The shaped part 15 also does not secure the engagement between the nails and the nail catch section because the socket 14 in Roder is free to move away from the abutment surface 21 and/or 21' and is not secured by the shaped part 15.

Accordingly, Roder fails to teach a backup plate securing the engagement between the nails and the nail catch section and abutting a back side of each one of the nails, as recited in amended claim 4.

For at least the reasons above, Roder fails to disclose or suggest all the features of amended claim 4. As such, amended claim 4 is patentable over Roder. Claims 5-19, at least for their dependence on patentable claim 4, and for their added features, are also patentable over Roder. Accordingly, all the pending claims are patentable, and withdrawal of the rejection of the claims under 35 U.S.C. §102(b) is respectfully requested.

Should the Examiner determine that further action is necessary to place this application into better form for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event that any fees are due with respect to this paper, please charge
Deposit Account No. 01-230 0, referencing Attorney Docket No. 106145-00083.

Respectfully submitted,



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